

Comparing Two Codes of Law

Marriage

The Justinian Code of Law: “Citizens are joined together in lawful wedlock when they are united according to law, the man having reached the years of puberty, and the woman being of a marriageable age...provided that...they have the consent of the parents.

“It is not every woman that can be taken [as a] wife: for marriage with certain classes of persons is forbidden...thus, father and daughter, grandfather and granddaughter, mother and son, grandmother and grandson, uncle and niece, etc...are incapable of lawfully marrying. Brother and sister, indeed, are prohibited from intermarriage. [However], the children of two brothers or sisters, or of a brother and sister, may (emphasis added) lawfully intermarry. A man cannot have two wives at the same time, nor can a woman have a two husbands at the same time.”

The California Code of Law: “An unmarried male of the age of 18 years or upwards, and any unmarried female of the age of 18 years or upwards, and not otherwise disqualified, are capable of consenting to and consummating marriage.

“Any unmarried male or female under the age of 18 years is capable of marrying if each of the following documents are filed with the clerk issuing the marriage license: 1) the consent in writing of one of the parents of each person who is underage; 2) [a court order] granting permission to such underage person to marry; and 3) [proof that] each person under the age of 18 [has] participated in premarital counseling concerning social, economic, and personal responsibilities [associated with] marriage.

“Marriages between parents and children, ancestors and descendants of every degree (there can be no blood relationship between the bride and groom, no matter how distant), and between brothers and sisters of the half as well as the whole blood, and between uncles and nieces or aunts and nephews are illegal.

“The act of entering into a contracted marriage with one person while still legally married to another is illegal.”

Assault and Battery

The Justinian Code of Law: An injury is defined as “anything which is done without any just cause. An injury or outrage is inflicted not only by striking with the fist, a stick, or whip, but also by vituperation (the use of harsh and abusive language) for the purpose of collecting a crowd...or by writing, composing, or publishing [words or poetry that are outrageous and untrue].

“[The amount of money] awarded [to a victim] of an injury or an outrage rises and falls in amount according to the class and character of the [victim]. For instance, [if the victim holds a government position] and is outraged by a person of low condition, [such a victim is entitled] to greater pecuniary compensation (money) that [if the injury was inflicted by another government official].

“A person who has been outraged always has his option between the civil remedy (only involving a financial penalty) and a criminal indictment (in which the accused could be sent to jail). If he prefers [a civil remedy], the penalty which is imposed depends on the [victim’s] own estimate of the wrong he has suffered; if he prefers [a criminal trial] it is the judge’s duty to inflict [the harshest possible] penalty on the offender.”

The California Code of Law: “Every person is bound, without contract, to resist from injuring the person or property of another, or by infringing upon any of his rights.

“An assault is the unlawful attempt (emphasis added), [together] with the present ability, to commit a violent injury on the [body] of another. An assault is punishable by a fine not exceeding \$1,000, or by imprisonment in the county jail not exceeding six months, or by both the fine and the imprisonment.

“A battery is any willful and unlawful use (emphasis added) of force or violence upon the [body] of another. A battery is punishable by a fine not exceeding \$2,000, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.”